

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------------|---|------------------------|
| In re Reissue Application of: |) | |
| Oberth et al. |) | |
| |) | Patent No.: 5,733,062 |
| Reissue Application Serial No.: |) | |
| Not Yet Assigned |) | |
| |) | Issued: March 31, 1998 |
| Reissue Application Filed: |) | |
| Herewith |) | |
| |) | |
| For: |) | |
| Highway Crash Cushion and |) | |
| Components Thereof |) | |

WRITTEN CONSENT OF ASSIGNEE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Energy Absorption Systems, Inc., assignee of U.S. Patent No. 5,733,062, consents to the filing of the present application for the reissue of U.S. Patent No. 5,733,062. The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

Submitted herewith is a Certificate under 37 C.F.R. § 3.73(b) establishing ownership of the assignee.

Signature:

Joan R. Riley

Date:

Feb 14, 2000

Name:

Joan R. Riley

Title:

Secretary

004220-1682560

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
Oberth et al.)
Patent No.: 5,733,062)
Reissue Application Serial No.:)
Not Yet Assigned)
Issued: March 31, 1998)
Reissue Application Filed:)
Herewith)
For: Highway Crash Cushion and)
Components Thereof)

#312
Reimold et al
2/13
4/18/01

OFFER TO SURRENDER PATENT

Energy Absorption Systems, Inc., assignee of U.S. Patent No. 5,733,062, offers to surrender the original patent. The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

Submitted herewith is a Written Consent of Assignee and a Certificate under 37 C.F.R. § 3.73(b) establishing ownership of the assignee.

Signature:

Joan R Riley

Date:

Feb 14, 2000

Name:

Joan R. Riley

Title:

Secretary

004220-1682560

CERTIFICATE UNDER 37 CFR 3.73(b)

Applicant: Oberth et al.
Patent No.: 5,733,062 Issued: March 31, 1998
For: HIGHWAY CRASH CUSHION AND COMPONENTS THEREOF
Energy Absorption Systems, Inc. a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8047, Frame 34, or for which a copy thereof is attached.
- OR
- B. ☐ A chain of title from the inventor(s), of the patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 14, 2000 ✓
Name: Joan R. Riley
Title: Secretary
Signature: Joan R Riley ✓

004220-462150

Our Case No. 33/759

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| For: Highway Crash Cushion and |) | |
| Components Thereof |) | |

ASSOCIATE POWER OF ATTORNEY


Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Please recognize Joseph F. Hetz (Registration Number 41,070) as an associate attorney.

Dated: February 24, 2000

Respectfully submitted,



William A. Webb
Reg. No. 28,277
Attorney for Applicant(s)

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

0044220-4632T560

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| Components Thereof |) | |

REISSUE DECLARATION OF
MICHAEL H. OBERTH AND JOHN V. MACHADO

As a below-named inventor, I hereby declare that:

1. My residence, post office address, and citizenship are stated below next to my name.
2. I believe I am an original, first and joint inventor of the subject matter that is described and claimed in U.S. Patent No. 5,733,062, granted March 31, 1998, and for which a reissue patent is sought on the invention entitled "Highway Crash Cushion and Components Thereof," the specification of which is submitted herewith.
3. I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the preliminary amendment submitted herewith.
4. I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

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5. I verily believe the original patent to be wholly or partly inoperative or invalid by reason of the patentee claiming less than he had the right to claim in the patent.

6. At least one error upon which reissue is based is described as follows: At lines 3-4, Claim 1 recites the element "an array of fender panels extending alongside the diaphragms." This element is not necessary for the patentability of Claim 1. Accordingly, patentee claimed less than he had the right to claim in the patent.

7. All errors corrected in this reissue application arose without any deceptive intention on the part of applicant.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signature: Michael H. Oberth ✓ Date: 2/21/00 ✓
Name: Michael H. Oberth
Residence: 1220 AUBURN RD. ✓
Post Office Address: LINCOLN, CA 95648 ✓
Citizenship: United States of America

Signature: John V. Machado ✓ Date: 17-Feb-2000 ✓
Name: John V. Machado
Residence: 4449 Mitchum CT ✓ Antelope CA 95843
Post Office Address: _____ ✓
Citizenship: United States of America

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

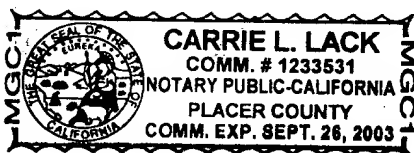
State of California

County of Placer

On 2/21/00 before me, Carrie L. Lack, Notary Public,
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Michael H. Oberth,
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Carrie L. Lack
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

004220-46327560

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of Placer

On 2/17/00 before me, Carrie L. Lack, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared John V. Machado
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Carrie L. Lack
SIGNATURE OF NOTARY

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☐ OTHER: _____

SIGNER IS REPRESENTING:
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 U.S. Patent No. 5,733,062

TITLE OR TYPE OF DOCUMENT

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DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

004220-462756